

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Hazlewood	Morris
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Absent—Excused**Hardeman****At Ease**

On motion of Senator Harris, the Senate at 1:15 o'clock p.m., agreed to stand at ease subject to the call of the Chair.

At 1:25 o'clock p.m. the President called the Senate to order.

Oath of Office Administered

The President announced that Hon. Grady Hazlewood, Senator-elect from the Thirty-first Senatorial District, had arrived in the Senate Chamber and requested him to approach the Secretary's desk and take the oath of office.

Senator-elect Hazlewood then came to the Secretary's desk and took the official oath, which was administered by the President.

Adjournment

On motion of Senator Strauss, the Senate at 2:00 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

SECOND DAY

(Wednesday, January 12, 1949)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
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Bullock	McDonald
Carney	Moffett
Colson	Morris
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Kelley of Hidalgo	Vick

Absent—Excused

Hardeman	Weinert
Moore	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

Leaves of Absence Granted

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Ashley.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Strauss.

Committee to Escort Governor

In accordance with the provisions of S. C. R. No. 2, the President announced the appointment of the following committee on the part of the Senate, to escort Governor Beauford H. Jester to the Joint Session:

Senators Ashley, Phillips, Strauss, Jones and Corbin.

Senate Notified

A committee of five Members of the House was announced by the Doorkeeper; and Mr. Johnson, for the committee, notified the Senate that the House was organized and ready for the transaction of business.

Message from the House

Hall of the House of Representatives,
Austin Texas,
January 12, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 1, Relative to the Joint Rules of the House and the Senate.

H. C. R. No. 3, Each House granting the other permission to adjourn from Wednesday, January 12, 1949, to Monday, January 17, 1949.

S. B. No. 1, Appropriation Bill for mileage and per diem of Members and employees of the Fifty-first Legislature.

S. C. R. No. 2, Providing for a joint session of the Senate and House of Representatives at 11:00 o'clock a. m. Wednesday, January 12, 1949, to hear the message of the Governor.

S. C. R. No. 1, Relating to Inauguration of the Governor and the Lieutenant Governor.

H. C. R. No. 2, Fixing per diem of Members of the House of Representatives and the Senate of the Fifty-first Legislature.

H. C. R. No. 4, Congratulating the Governor on his birthday.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelly of Tarrant:

S. B. No. 2, A bill to be entitled "An Act establishing the Texas State Development and Reserve Fund, making an appropriation therefor, providing for trustees of said funds, defining their powers and duties, providing for transfers into said fund of certain future surplus, providing a savings clause, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

To the Committee on Finance.

By Senators Phillips, Colson, Shofner, Kelly of Tarrant, Cousins, Proffer,

Bell, Bracewell, Morris, Ashley, Harris, Strauss, Tynan, Kelley of Hidalgo:

S. B. No. 3, A bill to be entitled "An Act making an appropriation for an improvement program for the Texas Prison System; and declaring an emergency."

To the Committee on Finance.

By Senator Phillips:

S. B. No. 4, A bill to be entitled "An Act amending Vernon's Penal Code of Texas, Article 934-b-1, the same being Acts 1945, Forty-ninth Legislature, Page 78, Chapter 55, and Acts 1947, Fiftieth Legislature, Page 86, Chapter 59, relating to the conservation of aquatic life within the boundaries of the State of Texas as set out in said Act; providing certain fees and licenses; defining authority; providing penalty; a severance clause; and declaring an emergency."

To Committee on Game and Fish.

By Senator Kelley of Hidalgo:

S. B. No. 5, A bill to be entitled "An Act authorizing an election for the purpose of creating a County-wide School Equalization Fund in certain counties; providing for the election therefor; providing for the manner of collecting taxes for the purpose of said equalization fund and for the distribution thereof; providing certain limitations on elections to revoke any tax levied hereunder; providing a savings clause and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

To Committee on Education.

By Senator Kelley of Hidalgo:

S. B. No. 6, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature; and amending Subsection (a) of Section 15 of Article 3912e, Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, making eligible all counties entitled to receive apportionment under the Officers' Salary Law; and declaring an emergency."

To Committee on Finance.

By Senator Kelley of Hidalgo:

S. B. No. 7, A bill to be entitled "An Act creating Texas Citrus Commission, providing for appointment

of its members, their qualifications, compensation, tenure and powers; providing for the officers and organization of said Texas Citrus Commission and how it shall carry out its functions and enforce the powers granted to it; authorizing said commission to levy and collect a tax on packing and processing Texas citrus fruit and appropriating three-fourths of the proceeds thereof to said commission and one-fourth of the proceeds thereof to certain State schools to be expended by each for the purposes mentioned in this Act; authorizing said commission to establish minimum grades and sizes of Texas citrus fruit which may be packed or placed in containers and to promulgate rules and regulations for enforcement of the powers granted said commission and to define terms used in the Act and to prevent evasion of the tax and to prevent evasion of standards of grades and sizes; providing a saving clause; repealing all laws or parts thereof insofar as they conflict with any provisions of this Act; and declaring an emergency."

To Committee on Agriculture.

By Senators Kelley of Hidalgo, Phillips and Ashley:

S. B. No. 8, A bill to be entitled "An Act amending House Bill No. 57, Chapter 442, page 1710, Acts of the 44th Legislature, Second Called Session, 1935, fixing the compensation of District Attorneys in all Judicial Districts in this state; providing such compensation shall include the Five Hundred (\$500.00) Dollars per year now allowed by the constitution; providing that District Attorneys shall not be deprived of their expense allowance; providing that in certain counties the District Attorney shall receive a salary of Six Thousand Five Hundred (\$6,500.00) Dollars per year which salary shall include the Five Hundred (\$500.00) Dollars per year provided by the constitution; providing for the disposition of fees, commissions and perquisites earned and collected by said District Attorneys; fixing the compensation of the State's Attorney before the Court of Criminal Appeals and providing the manner of payment; providing that nothing in this Act shall affect the law now in existence with reference to Assistant District Attorneys, investigators and stenographers; providing that nothing in this Act shall affect Criminal District Attorneys whose District is com-

posed of only one (1) county; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 9, A bill to be entitled "An Act making appropriation for an increase in, and supplementing, the amounts of money set out and appropriated for the Judiciary of the State of Texas for traveling expenses provided for in House Bill No. 244, Acts of the Regular Session of the 50th Legislature, beginning with the effective date of this Act and ending on August 31, 1949, so as to limit the traveling expenses of the Judiciary for meals and lodging at Seven Dollars (\$7.00) per day; and further to limit mileage allowances to Seven Cents (7c) and Six Cents (6c) per mile; beginning with the effective date of this Act and ending August 31, 1949; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 10, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bill No. 391, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 11, A bill to be entitled "An Act making appropriation for an increase in, and supplementing, the amount of moneys set out and appropriated for the various Eleemosynary and Reformatory Institutions for traveling expenses provided for in Senate Bill No. 374, Acts of the Regular Session of the 50th Legislature, beginning with the effective date of this Act and ending on August 31, 1949; and amending Subsection Traveling Expenses of Subsection (b) of Section 3 of Senate Bill No. 374, Acts of the Regular Session of the 50th Legislature, so as to limit the traveling expenses of all state employees for meals and lodging at Seven Dollars (\$7.00) per day; and further to limit mileage allowances to Seven Cents (7c) and Six Cents (6c) per mile; beginning with the effective date of this

Act and ending August 31, 1949; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 12, A bill to be entitled "An Act making appropriation for an increase in, and supplementing, the amounts of moneys set out and appropriated for the various State Departments for traveling expenses provided for in Senate Bill No. 391, Acts of the Regular Session of the 50th Legislature, beginning with the effective date of this Act and ending on August 31, 1949; and amending Subdivisions f and g, of Subsection (11) of Section 2 of Senate Bill No. 391, Acts of the Regular Session of the 50th Legislature, so as to limit the traveling expenses of all state employees for meals and lodging at Seven (\$7.00) Dollars per day; and further to limit mileage allowance to Seven Cents (7c) and Six Cents (6c) per mile; beginning with the effective date of this Act and ending August 31, 1949; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 13, A bill to be entitled "An Act to amend Article 6823, of Title 117, and all amendments thereto, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 14, A bill to be entitled "An Act making appropriation for an increase in, and supplementing, the amounts of moneys set out and appropriated for the Educational Institutions of Higher Learning of the State of Texas for traveling expenses provided for in House Bill No. 246, Acts of the Regular Session of the 50th Legislature, beginning with the effective date of this Act and ending on August 31, 1949; and amending Subsection 6 of Section 10 of House Bill No. 246, Acts of the Regular Session of the 50th Legislature, so as to limit the traveling expenses of all state employees for meals and lodging at Seven Dollars (\$7.00) per day; and further to limit mileage allowances to Seven Cents (7c) and Six Cents (6c) per mile; beginning with the effective date of this Act and ending August 31, 1949; and declaring an emergency."

To Committee on Finance.

By Senator Shofner:

S. B. No. 15, A bill to be entitled "An Act providing for the changing of the name of John Tarleton Agricultural College, at Stephenville, Erath County, to the "Tarleton State College," and providing that wherever such name or reference of name appears in the Revised Statutes of Texas, 1925, or any amendment thereto, or in any Acts of any Legislature, passed since the adoption of said Revised Statutes or in any court decisions, shall mean and apply to the new name; and declaring an emergency."

To Committee on Finance.

By Senator Shofner:

S. B. No. 16, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted to the State Soil Conservation Board, to pay the supervisors of soil conservation districts in Texas; and declaring an emergency."

To Committee on Finance.

By Senator Shofner:

S. B. No. 17, A bill to be entitled "An Act providing a sanitary and healthful method of wrapping and packaging of straws, tubes, or other similar devices for use of customers in public places; providing a penalty; providing a severance clause; and declaring an emergency."

To Committee on Public Health.

By Senator Shofner:

S. B. No. 18, A bill to be entitled "An Act providing grants to soil conservation districts; the manner of expenditure and of limiting such grants; providing the manner in which grants shall be made with certain limitations; providing for certification to the State Comptroller for payment of grants; providing for the execution of surety bonds for all employees and officers entrusted with funds or property; providing for the keeping of a full record of proceedings; providing for a biennial audit of the accounts of receipts and disbursements; powers of district supervisors; providing for the return to a Special Texas Soil Conservation Fund of any part of the grant on hand should a district be discontinued; providing that funds revert to credit of districts having been dissolved for the purpose of adjusting boundary lines and immediately re-

organized; providing for the return to a Special Texas Soil Conservation Fund of inactive or unused portion of grants of 50% or more, providing that any withdrawal for deposit in the Special Texas Soil Conservation Fund shall not reduce the cash balance of a district to any amount less than \$2,000.00; providing for the re-allocation of such funds returned to the Special Texas Soil Conservation Fund to districts; providing for notification to chairman of the board of supervisors and the Texas State Soil Conservation Board of amount returned and deposited; providing that money received by districts be deposited in State or National Banks; providing the manner of withdrawal of said funds; providing for money to be appropriated out of any monies in the State Treasury not otherwise appropriated; and declaring an emergency."

To Committee on Finance.

By Senators Morris, Bullock, Prof-fer, Aikin and Lock:

S. B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; provided that the funds herein appropriated under the provisions of this Act and under the terms and conditions and in the manner provided in the regular appropriation for salary aid in House Bill No. 295; providing that the funds appropriated for salary aid in House Bill No. 295 and in this Bill are to be in full and complete payment of any claim for salary aid for the first year of the biennium 1947-1948; providing applications for aid under this Act shall have been eligible under the provisions of Bill No. 295 and on file with the State Department of Education and Legislative Accountant prior to the passage of this Act; appropriating an additional sum of Six Million Dollars (\$6,000,000.00) or so much thereof as may be necessary to supplement the appropriation made for salary aid for 1948-1949 to be expended in accordance with the provisions of House Bill No. 295 of the Acts of the Reg-

ular Session of the Fiftieth Legislature, providing a savings clause and declaring an emergency."

To Committee on Finance.

By Senator Morris:

S. B. No. 20, A bill to be entitled "An Act amending Senate Bill 123, Acts of the 50th Legislature, 1947, Articles 2922-2 to 2922-8, inclusive, of Vernon's Civil Statutes; stating the purpose of the Act and defining certain basic terms; prescribing eligibility requirements; providing for supervision and administration; prescribing teacher training qualifications and course of study; providing an appropriation for the biennium ending August 31, 1951; and declaring an emergency."

To Committee on Finance.

By Senators Morris and Shofner:

S. B. No. 21, A bill to be entitled "An Act to promote safe driving and to remove from the highways the reckless and financially irresponsible drivers by providing for proof of financial responsibility and requiring security of owners and operators of motor vehicles following accidents; defining certain words and phrases; prescribing the duties and vesting power to administer the provisions of this Act in the Department of Public Safety and making appropriation therefor; providing for court review; requiring the Department to furnish operating records; requiring reports of accidents; setting forth security required following accidents unless evidence of insurance, and providing for suspension of operator's license and registration certificate for certain offenses; providing for exceptions to requirement of security; setting forth the duration of suspension; application to non-residents, unlicensed drivers, and unregistered motor vehicles; prescribing form and amount of security; providing for custody, deposit and return of security; citing matters not to be evidence in civil suits; and requiring courts to report non-payment of judgments and convictions; providing for suspension of license and registration for non-payment of judgments; rendering suspension of license and registration effective until judgments paid and proof given, and satisfying requirements when payment sufficient; providing for installment payment of judgments and requiring suspension of

license and registration if in default; requiring proof upon certain convictions; and providing for alternate methods of giving proof; permitting the filing of certificate of insurance as proof; and permitting certificate of insurance as proof to be furnished by non-residents; defining motor vehicle liability policy and setting forth certain requirements and restrictions upon such policy; providing for notice of cancellation or termination of certified policy; and providing this Act shall not affect other policies; requiring the filing of a bond as proof and setting forth certain requirements and exceptions in regard to such bond; permitting money or securities deposited to be used as proof of financial responsibility; permitting owner to give proof for others; providing for substitution of proof; and requiring the filing of other proof as required by this Act; fixing the duration of proof; and permitting the Department to consent to cancellation or return of money or securities subject to requirements and restrictions herein named; providing penalties for violations of the provisions of this Act; prohibiting transfer of registration to defeat purpose of this Act; requiring surrender of license and registration; fixing penalties for driving motor vehicle while operating privilege is suspended or revoked, failure to return license or registration, forging evidence of proof or for violating any provision of this Act for which no penalty is provided; and providing for exceptions to the general provisions of this Act; providing for self-insurers; authorizing insurance companies to establish procedure for assigning insurance; providing this Act shall be supplemental to the motor vehicle laws of this State; prohibiting application of this Act to any accident occurring prior to its effective date; and providing Act shall not prevent other processes provided by law; providing a saving clause; providing a short title for this Act; and providing effective date of this Act; and declaring an emergency."

To Committee on State Affairs.

By Senator Morris:

S. B. No. 22, A bill to be entitled "An Act amending Chapter 10, Title 78, Revised Civil Statutes of Texas, by adding an Article to be known as Article 4891a, providing that the

Board of Insurance Commissioners of Texas shall make, prescribe and promulgate separate rates and forms for windstorm, hail, and other insurance coverages; providing that such rates and forms shall not require an insured to purchase any class of coverage in order to secure some other class of coverage; providing that no rate or form shall be made and promulgated that will have the effect of prohibiting the insured from purchasing full coverage or any rate or form that will make any form of deductible or co-insurance clause applicable to dwelling risks, and making it unlawful for any insurance company or its agents to demand that they be given other insurance coverages before they will write any class of insurance in this State; providing that such a demand shall be cause for the cancellation of such company or agents license; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

To Committee on Insurance.

By Senator Cousins:

S. B. No. 23, A bill to be entitled "An Act creating Lamar State College of Technology at Beaumont, Texas; providing for work at said college suitable to a College of Technology of the first class; providing for courses of study to be offered; providing for the organization, control and management thereof, the appointment of a Board of Regents and the selection of a president; providing for the granting of appropriate degrees and giving of special courses in certain subjects; providing for the acquisition of additional land where necessary for the enlargement of the work of said college; granting to said college the right of eminent domain; empowering the Board of Regents to accept donations, gifts and endowments and the conditions thereof; requiring biennial reports to the Legislature; making an appropriation for said college; providing that the college hereby created shall not institute or offer any educational courses herein provided for unless and until suitable arrangements are made with the Lamar Union Junior College District of Jefferson County, Texas, for the acquisition or use by gift of its corporeal properties and facilities; providing all necessary details to accomplish the purpose of this Act; repealing all laws and parts

of laws in conflict with this Act; providing a savings clause; and declaring an emergency."

To Committee on Finance.

By Senator Moffett:

S. B. No. 24, A bill to be entitled "An Act declaring lawful agreements, when they are in the public interest as being reasonably necessary to prevent waste, promote conservation and protect correlative rights, for cooperative development and operation of separate interests in properties in the same field for the production of oil as well as gas, including specified provisions and operations, when approved by the Railroad Commission of Texas upon application, notice and hearing, but excluding cooperative marketing or refining of crude petroleum and excluding cooperative refining of gas or any by-product of gas except the extraction of liquid hydrocarbons and the separation thereof into their component parts, and excluding cooperative marketing of any by-product of gas which it is practical to deliver in kind; providing standards; providing that such agreements shall be subject to orders, rules, and regulations of the Railroad Commission of Texas and shall bind only the persons executing them, their heirs, successors, assigns, and legal representatives; stipulating certain agreements which do not require the Commission's approval; providing authority for subjecting State owned lands to such agreements; providing authority for administrators, executors, guardians, and other fiduciaries administering estates under the control of the County Courts to execute such agreements, and authorizing the subjection of properties belonging to estates being so administered to the terms of such agreements; prescribing the manner in which such authority for such agreements may be obtained; providing the effect of the execution of such agreements; and providing for the relationship between this Act and laws of this State dealing with monopolies, trusts, and combinations in restraint of trade; repealing Section 21 of Chapter 120 of the Acts of the 44th Legislature, Regular Session, page 318, and Chapter 309 of the Acts of the 49th Legislature, Regular Session, page 507, and Chapter 80, of the Acts of the 49th Legislature, Regular Session, page 117, and repealing all other laws in conflict to the extent of the conflict

only; declaring the severability of all parts of this Act; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Moffett:

S. B. No. 25, A bill to be entitled "An Act transferring to the Texas Highway Fund from the General Revenue Fund the sum of Twenty Million (\$20,000,000.00) Dollars and authorizing the Texas Highway Commission to use such money for the purpose of continuing its program of constructing farm-to-market roads so as to best serve the rural areas of this State; providing a repealing clause; providing a savings clause; and declaring an emergency."

To Committee on Finance.

By Senator Moffett:

S. B. No. 26, A bill to be entitled "An Act amending Article 694, Revised Civil Statutes of Texas; and declaring an emergency."

To Committee on State Institutions and Departments.

By Senator Carney:

S. B. No. 27, A bill to be entitled "An Act validating the discontinuance and/or any attempted discontinuance of territory, and validating the boundaries and areas of all cities and towns incorporated under the General Laws of the State of Texas, having a population of two thousand (2,000) inhabitants or less, at the time of the discontinuance or attempted discontinuance of said territory; validating all petitions and ordinances discontinuing or attempting to discontinue territory, and validating the boundary lines of any such city or town, after the discontinuance or attempted discontinuance of such territory, although the territory in said city, as a result of the discontinuance or attempted discontinuance of such territory, consists of two or more separate areas, and validating the act of any city contiguous thereto in subsequently annexing the territory thus discontinued; provided that this act shall not apply in cases where litigation, affecting such discontinuance or attempted discontinuance of territory, is now pending; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Carney:

S. B. No. 28, A bill to be entitled "An Act amending House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that such Act shall be administered by the 'Texas Real Estate Commission,' providing for the appointment of such Commission and the qualifications and tenure of the members; providing for an Administrator, defining the powers, duties and responsibilities of the Commission and the Administrator and the compensation of the Commission and the Administrator; providing for a bond by the Administrator; making provision for license fees; making provision for the transfer of records from the Secretary of State to the 'Texas Real Estate Commission'; making provisions for licenses already issued; making provision for process, notices, applications, orders and other instruments issued or filed at the time this Act becomes effective; making provisions for pending suits; providing that the 'Texas Real Estate Commission' shall stand in lieu of the Secretary of Texas and the Administrator of the Securities Division in so far as House Bill No. 17, Acts of the Regular Session of the Forty-Sixth Legislature, is concerned; making certain exceptions thereto; providing criminal penalties and enforcement actions for violations; providing a savings clause; and declaring an emergency."

To Committee on State Affairs.

By Senators Bell, Strauss, Kelley of Hidalgo, Morris, Hudson, Vick, Prof-fer, and Phillips:

S. B. No. 29, A bill to be entitled "An Enabling Act to carry into effect Section 49-b of Article III of the Constitution; to bring into being the Veterans' Land Board as a State agency and provide procedures for the operation thereof; to create a Veterans' Land Fund by providing for the issuance of bonds in and not exceeding the amount of Twenty-five Million Dollars (\$25,000,000) and providing for the sale and for the payment and retirement of such bonds and interest thereon; to provide during a period of eight (8) years from the effective date of the Constitutional Amendment for the purchase of lands by the Veterans' Land Board and the subsequent resale thereof to Texas vet-

erans of World War II as defined; defining the word 'veteran' and the phrase 'Texas veteran of the present war or wars, commonly known as World War II'; giving the Veterans' Land Board power and authority to promulgate all rules and regulations for the purchase and sale of land belonging to the Veterans' Land Fund not inconsistent with the law; providing for the forfeiture of land sale contracts to veterans if the veteran fails to comply with terms of said contract; providing for the purchase by the Veterans' Land Board of all needed supplies through the Board of Control; providing for the employment by the Veterans' Land Board of an Executive Secretary and an Assistant Executive Secretary, and such other clerical help as may be required; providing for regular and called meetings of the Board; requiring all papers, records, and archives of the Veterans' Land Board to be filed and kept in the General Land Office; making all employees of the Veterans' Land Board employees of the General Land Office; appropriating One Hundred Thousand Dollars (\$100,000), or so much thereof as may be needed to pay the salaries of employees and all administrative expenses of the Veterans' Land Board until the effective date of the next general departmental appropriation Act becomes effective; providing a saving clause; and declaring an emergency."

To Committee on State Affairs.

By Senator Bell:

S. B. No. 30, A bill to be entitled "An Act to authorize banks, building and loan associations, and Federal Savings and Loan Associations domiciled in this State to close their respective places of business at any time authorized by their board of directors, and declaring an emergency."

To Committee on Banking.

By Senator Bell:

S. B. No. 31, A bill to be entitled "An Act to amend Section 45 of Senate Bill 111, Chapter 61, Page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

To Committee on Banking.

By Senator Bell:

S. B. No. 32, A bill to be entitled

"An Act to amend Article 836, Revised Civil Statutes of 1925, and declaring an emergency."

To Committee on Banking.

By Senator Bell:

S. B. No. 33, A bill to be entitled "An Act amending Sections 25, 26, 37 and 38 of Senate Bill 111, Chapter 61, Page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, as amended and declaring an emergency."

To Committee on Banking.

By Senators Colson, Morris, Jones, Proffer, Vick, Bell, Hudson, Carney, Shofner, Corbin, Bullock, Strauss, and McDonald:

S. B. No. 34, A bill to be entitled "An Act making an appropriation of Forty Million Dollars (\$40,000,000) out of the General Revenue Fund to the State Highway Department of Texas for the purpose of constructing or improving Farm-to-Market roads; providing a repealing clause; providing a savings clause; and declaring an emergency."

To Committee on Finance.

By Senators McDonald and Phillips:

S. B. No. 35, A bill to be entitled "An Act to amend Chapter 361, Acts 1943, Forty-eighth Legislature, page 635, as amended by Chapter 180, Acts 1945, Forty-ninth Legislature, page 245, providing for the classification of prisoners for good conduct, industry, and obedience, and the commutation of time in accordance with said classification; and declaring an emergency."

To Committee on Penitentiaries.

By Senators McDonald, Corbin, and Strauss:

S. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, as amended by Acts of the 41st Legislature, Regular Session, 1929, Chapter 43, page 89, paragraph 1, relating to the selection of jurors for service in the District and County Courts, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Proffer:

S. B. No. 37, A bill to be entitled "An Act amending Article 2843, Acts of 1941, 47th Legislature, Regular Session, House Bill 312, as amended

by Acts, 50th Legislature, Regular Session, 1947, Senate Bill 215, and Acts 50th Legislature, Regular Session, 1947, House Bill 528, and specifically repealing Articles 2844 and 2844a, as amended in Acts, 1937, 45th Legislature, Page 329, Chapter 67, Section 1, providing for a multiple list of free textbooks in the elementary grades in specified subjects; providing for a multiple list of free textbooks in high school grades for certain subjects, providing for the addition of subjects in the elementary and high school grades for which free textbooks are to be supplied and the conditions under which such books are to be added to the list of free textbooks, authorizing the State Board of Education to prescribe specific rules under which such books are to be selected, introduced, and used in local school systems, providing that existing contracts may not be affected by adoptions under this Act. and declaring an emergency."

To Committee on Education.

By Senator Harris:

S. B. No. 38, A bill to be entitled "An Act to amend Article 15 of House Bill 79, Chapter 97, Page 127 of the General Laws passed at the Regular Session of the 48th Legislature, and declaring an emergency."

To Committee on Banking.

By Senator Harris:

S. B. No. 39, A bill to be entitled "An Act amending Article 1, Chapter 97, Sub-chapter II, Page 134, Acts of 1943, 48th Legislature (Article 342-201, Vernon's 1943 Supplement) so as to change the compensation of the Banking Commissioner; and declaring an emergency."

To Committee on Finance.

By Senator Jones:

S. B. No. 40, A bill to be entitled "An Act amending Article 4766, as amended, and declaring an emergency."

To Committee on Insurance.

By Senator Jones:

S. B. No. 41, A bill to be entitled "An Act amending Article 4725, as amended, and declaring an emergency."

To Committee on Insurance.

By Senator Vick:

S. B. No. 42, A bill to be entitled "An Act validating the separation,

divorcement, or attempted separation or divorcement of independent school districts from municipal control, including those where a majority of the voters voting at an election held, or attempted to be held under the provisions of Article 2783a (Acts 1929, Forty-first Legislature, Page 674, Ch. 302), voted in favor of such separation or divorcement; providing that such school districts shall constitute independent school districts, independent of and free from municipal control, and governed by the board of trustees thereof; confirming the election and service of trustees holding office at the time of said separation; validating the election of trustees for such districts; validating any election where a majority of the voters voted in favor of the assumption of the bonded indebtedness for school purposes only of the City formerly constituting such school district and the levy of a tax in payment thereof; validating the grouping, changing, consolidation or annexation and attempts at annexation and consolidation of independent and common school districts, and alteration of boundaries thereof; validating elections for the levy and assessment of taxes by school districts separated or divorced from municipal control, and validating the levy and assessment of taxes heretofore made by school districts separated or divorced from municipal control, or to and with which have been grouped, annexed to or consolidated other districts; vesting in the board of trustees heretofore elected the authority, jurisdiction and power to control and manage the affairs of such school districts; and vesting in said school districts the title to school properties; and authorizing such school districts to issue bonds and levy and assess taxes in accordance with general law, for school purposes; providing exceptions; providing saving clause; and declaring an emergency."

To Committee on Education.

By Senators Strauss and Ashley:

S. B. No. 43, A bill to be entitled "An Act to amend Sec. 3 and 5 of Chapter 352, Acts of the Regular Session of the 50th Legislature and carried in the Revised Civil Statutes as Article 6228a, reducing the minimum years of Creditable Service to be eligible for retirement benefits."

To Committee on State Affairs.

By Senator Strauss:

S. B. No. 44, A bill to be entitled "An Act to amend Chapter 5, Penal Code of the State of Texas by adding a new Article to be designated as Article 613a, and making Article 613 of the Penal Code inapplicable under certain conditions; providing a saving clause and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Martin:

S. B. No. 45, A bill to be entitled "An Act to amend Article II, Section 2, House Bill No. 295, Acts of the 50th Legislature, relative to filing date of applications; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Education.

By Senator Kelly of Tarrant:

S. B. No. 46, A bill to be entitled "An Act repealing Article X, House Bill No. 8, Chapter 184, Acts of the Regular Session, 47th Legislature, 1941, and declaring an emergency."

To Committee on State Affairs.

By Senator Kelly of Tarrant:

S. B. No. 47, A bill to be entitled "An Act amending Sections 30 and 36 of House Bill No. 599, Chapter 86, page 161, Acts of Regular Session, 45th Legislature, 1937; providing a savings clause, and declaring an emergency."

To Committee on State Affairs.

By Senator Ashley:

S. B. No. 48, A bill to be entitled "An Act amending Article 4526 of Vernon's Revised Civil Statutes, 1925, repealing all laws in conflict herewith, and declaring an emergency."

To Committee on Public Health.

By Senator Ashley:

S. B. No. 49, A bill to be entitled "An Act to appropriate \$70,000 to the Texas Library and Historical Commission, State Library, for the purpose of performing the duties required by Chapter 403 of the General and Special Laws of the Fiftieth Legislature, Regular Session, 1947, with respect to the Records Administration Division; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 50, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bill No. 374, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

To Committee on Finance.

By Senator Ashley:

S. B. No. 51, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in House Bill No. 244, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

To Committee on Finance.

By Senator Kelley of Hidalgo:

S. J. R. No. 1, Proposing an amendment to Section 2 of Article VI of the Constitution, repealing the provision making the payment of a Poll Tax a qualification of an elector; requiring the Legislature to pass a general registration law for voters; providing for the necessary election, proclamation and publication by the Governor, and making an appropriation.

To Committee on Constitutional Amendments.

By Senator Proffer:

S. J. R. No. 2, Proposing an amendment to the Constitution of the State of Texas, amending Section 51a of Article III, providing that the Legislature shall have the power to provide assistance and to provide for the payment of same to needy aged persons over the age of sixty-five (65) years, who are citizens of the United States and are residents of the State of Texas; needy blind persons over the age of sixteen (16) years, who are citizens of the United States and are residents of the State of Texas; and needy children under the age of sixteen (16) years, who are citizens of the United States and are residents of the State of Texas; providing for the acceptance of financial aid from the Government of the United States for such assistance; providing that the

amount of such assistance out of State Funds shall never exceed the maximum amount authorized by Federal Law to be expended to each individual out of Federal Funds; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

To Committee on Constitutional Amendments.

Co-Authors of Bill

Senators Phillips and Ashley asked unanimous consent to be shown as co-authors of Senate Bill No. 8.

There was no objection offered.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolution:

S. C. R. No. 1, Relating to Inauguration of Governor and Lieutenant Governor.

Joint Session

(To Hear Message of Governor)

The President announced that the hour fixed by the concurrent action of the two Houses to meet in joint session to hear the message of the Governor had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:00 o'clock a. m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President called the Senate to order, announced the purpose of the joint session, and announced a quorum of the Senate present.

Hon. Durwood Manford, Speaker of the House, called the House to order, and requested members of the House to register.

A quorum of the House was announced present.

The Hon. Beauford H. Jester, Governor of Texas, was escorted to the Speaker's rostrum by Senators Ashley, Phillips, Strauss, Jones and Corbin on the part of the Senate, and Representatives Heideke, Bradshaw, Watson, Ridgeway and Clifton on the part of the House.

The Speaker then presented Governor Beauford H. Jester to the joint session.

The Governor delivered to the joint session the following address and message:

Mr. Speaker of the House, Durwood Manford, Mr. President of the Senate, Lieutenant Governor Shivers, Members of the Fifty-first Legislature of the State of Texas, My Fellow Texans, and to my Mother, Listening in with the Radio Audience on My Birthday:

I am grateful to this 51st Legislature for your courtesy in inviting me to address you in your first joint session.

My relationship with the 50th Legislature was one of the most pleasant and satisfying experiences of my first administration.

I anticipate the same cordial association—both personal and official—with you members of the 51st Legislature.

We meet and join here in common purpose. We seek the same goals. We aspire—in devoted public service—to realize mutual aims. The more than seven million men, women, and children—constituting the populace of the State of Texas—look to us for public leadership of a character which will redound to the greatest good of the greatest number of the people.

Conscious of our obligation and of our opportunity, we face our responsibility, I am sure, with sober thought and deep consecration, pledging to ourselves, to each other, and to our people diligence of effort, devotion to public duty and solemn dedication to the highest type of public service.

In the well-ordered organization of our government, it is the privilege and duty of the Chief Executive to present to the Legislature his recommendations on matters of State.

Under our system of checks and balances, our legislators study those proposals in the light of their concept of the public good and take action on

these and other matters deserving their attention.

The third branch of government—the judiciary—interprets the laws enacted and stands ready to protect the people against the infringement of sacred and fundamental rights.

This entire plan makes for a careful, orderly consideration of proposed legislation, and for protection against autocratic and unchecked action by either of these branches of the government.

It is the best plan of government that the mind of man has devised. It is safe, and it works.

The system of checks and balances does not mean that the several branches of government should be suspicious, or jealous, or quarrelsome in their mutual relations. Indeed, such an attitude makes only for strife and confusion in the atmosphere of which the general good will inevitably suffer.

Coming here as the representatives of the people, serving at their wish and by their will, pledged in honor to advance their well-being, our relationship, of necessity, calls for the highest type of cooperation, of helpfulness, and of good will.

As Governor of Texas, I come before you in a spirit of genuine friendliness and comradeship. I pledge you a sincere and conscientious consideration of your wishes and of your views. It is my hope that I may find it in my heart to concur in the maximum number of your actions.

I am one and you are 181. Regardless of that numerical difference, I shall make myself available to each and every one of you to the full extent of my physical ability. I shall be at your command throughout the day and into the night. If numbers of you wish to see me at the same time, I bespeak your patience as I give my best effort to the matter of expediting your appointments.

I anticipate a pleasant and profitable session, and in that contemplation and in that spirit, I greet you.

At the same time, let us frankly admit that it is extremely unlikely that members of the Legislature will always agree with the Governor—or with one another.

In the majority of matters, there will be differences of opinion among the members themselves. Many times the Governor and the Legislature will have diverse views. This is not neces-

sarily an undesirable situation. It is well to have all possible angles of a subject presented and debated.

One does not have to be a prophet to predict some of the subjects upon which there is sure to be a difference of opinion in the 51st Legislature. There is the question, first of all, of the budget. We have, on the one hand, members who point to our healthy surplus and insist that half of it ought to be put away for a rainy day. On the other extreme there are members who do not feel that our present revenues, even with that surplus, will suffice to provide our people with necessary state services during the next biennium.

On the one hand, we have a proposal to spend \$20,000,000 from the general revenue for rural road development. On the other hand, we have advocates of a \$40,000,000 or \$50,000,000 appropriation for this purpose.

In the field of labor laws, we find one group urging repeal of all the labor regulatory statutes on the books. We find another group resolutely defending Texas' labor laws as productive of a stable, prosperous industrial climate in this State.

I could mention numerous other legislative areas in which the battle lines are already drawn.

To borrow the terminology from the football field—there's likely to be a lot of "head-knocking" in this session of the Legislature.

I hope that you and I will often agree. Should we find ourselves with opposite views, I hope the *disagreement* will not be *disagreeable*. A frank and full expression of opinion upon a controversial subject is not incompatible with dignity and good feeling and sincere respect for the opinion of others.

We can face the future with a satisfaction and confidence inspired by the contemplation of results achieved in the months which have passed.

I know of no Legislature in the history of this State that had a finer record of constructive action than the 50th Legislature—many members of which are here again today to continue their activity in our program of progress for the Texas of Tomorrow.

A brief glance at what has been done in the past two years may be in order—may, in fact, be useful in charting our future course and inspirational in indicating the worthwhile things which can be done

through cooperative, devoted action of all charged with advancing the public good.

During this biennium we are spending on our public schools 59 million dollars more than in the previous biennium and we have increased by over 40 per cent the average salary paid our Texas public school teachers. The Gilmer-Aikin Committee, created by the 50th Legislature, is making the most comprehensive study of our public school system in the history of Texas.

We have put forth every effort to protect the billion-dollar interest of the public schools in the tidelands and, early in the session, I shall propose emergency legislation to enable us to continue this fight with all our force and vigor.

The State has engaged in the most extensive road-building program ever known in Texas and has constructed the largest number of miles of highways and roads of any State in the American Union.

Provision was made for the payment of the full amount authorized by the Constitution for public assistance to the aged, the needy blind, and dependent children and for taking public welfare administrative costs out of the general revenue of the State—thus leaving the entire public assistance fund for direct aid.

A complete reorganization of the Prison System was undertaken and comprehensive plans made for the rehabilitation of the entire institution.

Water conservation programs were inaugurated in every section of Texas, with public meetings held for the imperative study of our need for water and soil conservation and flood control. These, my fellow Texans, are vital needs!

A uniform traffic code was adopted, 200 additional highway patrolmen authorized, and a State-wide action program inaugurated for the promotion of traffic safety.

During the current biennium, expenditures for eleemosynary institutions were practically doubled, with provisions made for two new tubercular hospitals, a school for the cerebral palsied, an institution for delinquent Negro girls, and a new school and home for feeble-minded children and senile women.

A Commission was established to study the operation of the juvenile training schools of Texas and to make

recommendations for their improvement.

A Veterans Affairs Commission was established through which activity in behalf of veterans is coordinated.

Appropriations for public health were almost doubled and, even with a sharp increase in our population, new all-time low death rates were recorded for communicable diseases.

Increased service in teaching and research was provided by raising the appropriation for higher education in the amount of 20 million dollars. At the same time, the appropriations to the junior colleges of the State were increased by 300 per cent.

A new institution—the Texas State University for Negroes—was established and further provision was made for the expansion of Prairie View Agricultural and Mechanical College.

In other fields too numerous to mention here, State services were expanded and State funds were expended to the direct and indirect benefit of all our people.

Notwithstanding the advancements in public service which have been made since January 1947, there was a surplus of some 74 million dollars in the general revenue account of the State on August 31, 1948, compared to the surplus of 35 million when the administration began.

The improvement in State services recounted was accomplished without levying any new taxes, and the State ad valorem tax was not levied for the general revenue in 1948.

These gains are enumerated as suggested guides for the direction of our continued efforts in the months ahead.

Were I to seek today to develop in adequate detail the many and varied problems which I wish to discuss with you, I would impose unduly upon your time and patience. (I well remember that in delivering my message two years ago, after I had talked for more than forty minutes, Representative Sam Hanna of Dallas began walking around, and, after the message went over one hour, he walked over and said to one of his colleagues, "Maybe if we introduce an appropriation bill we can get him to stop!")

With your permission, therefore, I shall send to you in the days and weeks to come separate messages on these subjects, giving you the information which the Executive Department has been able to assemble, and

submitting for your consideration the recommendations which I shall have to make.

The first recommendation of an emergency nature will be for an appropriation to cover the deficiency in funds provided for equalization aid schools during 1947-49. Under the new and liberal terms which we authorized in 1947, many more schools qualified for State assistance and we have run short of funds to carry out our obligation to them. A sum of approximately 9 million dollars will be needed for this purpose.

Another emergency matter which I shall present for your consideration will deal with our antiquated and dilapidated Prison System. I shall ask you to authorize the Texas Prison Board to carry out a well-considered, carefully developed plan which they have prepared after months of the most arduous effort—a plan for the complete rehabilitation of the physical plant—to cost approximately 4 million 200 thousand dollars—and for the current financing of the Prison operation during the remainder of this biennium in the amount of some 500 thousand dollars.

Your attention will be called to the dangerous and deplorable condition of our State records and archives, and a recommendation will be made for an emergency appropriation to secure microfilming equipment and for other expense of protecting adequately the invaluable historical documents and official papers of the State. The immediate cost will be about 70 thousand dollars.

The comprehensive report of the Gilmer-Aikin Committee will be presented as a basis for legislation designed to give us a system of public education as adequate as any in America.

The subjects of emergency pay increases for State employees and of highways and roads will be treated in special messages to be submitted very soon.

My recommendations as to highways and roads will include:

(1) Suggestions that immediate and positive steps be taken to speed up the farm-to-market road-building program in Texas, toward the goal of 25,000 miles of rural roads planned for the current period, adding to the 8,600 miles which have been built or are in process of development since V-J Day, the additional mileage which

can be contemplated through combined use of Federal, State and local funds.

(2) A suggestion that the Legislature appropriate an emergency fund of 20 million dollars from the general revenue of the State for the construction of all-weather school bus roads—such emergency appropriation not to be considered as precluding the further provision of funds as the study of needs may indicate.

(3) Proposals for the continued steady development of the arterial highway systems and of urban highway programs.

My special message on the subject of public welfare will ask you to consider:

(1) Allowing the people of Texas to vote on a proposal to raise the present Constitutional ceiling on expenditures for old age assistance, aid to the needy blind and aid to dependent children.

(2) Submitting to a vote of the people a proposed Constitutional amendment authorizing the State to help persons permanently and totally disabled, completely unemployable, and without funds of their own or anyone else to care for them.

(3) Permitting the appropriation of emergency funds for the blind on the public assistance rolls who might regain their sight and be self-sustaining had they the money to pay for the operation to remove their blindness.

(4) Granting authority to the Public Welfare Department to provide temporary foster care for neglected and dependent children while plans are developed for their permanent placement.

(5) Providing emergency assistance to migratory workers for whom no other help can be secured. Ours should be a government with a heart as well as a mind.

I shall report to you in detail on the work which has been done in the fields of water and soil conservation and flood control, and invite your consideration of needed legislation to carry out these programs.

Attention will be given our further needs in the fields of traffic and industrial safety and fire prevention.

The complete modernization of all State hospitals and schools for special instruction will be proposed, including the immediate elimination of fire hazards, insanitary conditions, and unhabitable quarters in these State in-

stitutions and the provision for additional facilities and staff.

The Governor will propose the adoption of a far-reaching program dealing with the development of our youth and the problem of juvenile delinquency and of juvenile training, following the present comprehensive study being made by the Texas Training School Code Commission.

In subsequent messages to you, I shall submit for your consideration recommendations on other subjects such as these:

(1) The expansion of the program of service of the Veterans Affairs Commission.

(2) Further emphasis on a public health program in Texas which will result in a continued decrease in the number of deaths from preventable causes.

(3) Coordination of our State activities in the fields of economic and industrial development.

(4) Increase of unemployment benefits to more nearly provide at least minimum subsistence for the unemployed, without raising benefits to a level which will encourage idleness, and at the same time reduction in the rate of unemployment compensation taxes paid by industry in Texas, to absorb a part of the 24½ million dollars which have been added to this reserve.

(5) Efforts to continue the present favorable situation in the relationship of labor and management in Texas, with the small incidence of disputes, and the provision of appropriate means for offering the services of the State for voluntary mediation in emergent situations.

(6) Promotion in every possible way of the production of food and feedstuffs as a weapon against inflation and the high cost of living; the further development of our oil and gas, mineral and timber resources; and the adequate protection of the livestock industry.

(7) Furtherance of good relations with our Latin-American neighbors.

(8) Re-codification of game and fish laws.

(9) Development of a far-reaching State recreation program, including expansion of the State Parks System of Texas.

(10) Prevention of pollution of waters of our gulf, bays, and rivers, to protect marine life and other life dependent upon this water.

(11) Generous provision for institutions of higher learning in the State in their programs of teaching, research and general service to the State; and adequate support for State junior colleges.

(12) Continued development of the Texas State University for Negroes and the Prairie View Agricultural and Mechanical College to the point where these institutions are the equivalent of any other State-supported higher educational institutions in Texas.

(13) Revision of the election laws of Texas, and study of the poll tax problem, and consideration of a citizens tax to be paid by every citizen of Texas.

(14) Re-codification of the Military Code of Texas.

(15) Study of the need for additional quarters for State agencies.

(16) Continued study of our pardon and parole problem.

(17) Anti-lynching legislation.

(18) Re-codification of the insurance laws.

(19) Need for an examination of the tax structure of the State.

Other matters of public interest will also be considered in subsequent messages.

I shall present to you a complete report on the financial position of the State and on the budget for the next biennium.

Based on the estimates which the Comptroller makes under the law and on the recommendations of the Board of Control, I shall endeavor to tell you the amount of money we shall have if the present tax structure is maintained, and to list for you the suggestions, proposals, and requests which have been made for new and increased services of the State.

The growth and development of Texas has been phenomenal. Industrially, economically, materially—we have progressed almost beyond the comprehension of our fellow countrymen and even of ourselves. Nor is there any indication that in the years to come we shall go forward at a slower pace.

God and nature have provided us with all the requirements for material greatness.

Our gratitude, our courage, our vision would fall far short of our physical stature if we failed to provide here also the facilities for fine, noble, and truly great living.

We must look to the moral and

spiritual realms to complement our achievement in things material. We must develop the most advanced and inspired technique of human engineering to match our scientific skill.

We must furnish our people opportunity and culture, good living and happiness as broad as our bountiful fields.

We should be worthy of Texas by making Texas, through our efforts, a finer and a nobler place in which to live.

We must realize that Texas is growing and gaining in population, wealth, and national stature, and provide State services worthy of our State. The 1930 concept will not fit the 1950 picture.

At the same time, we face the deadly serious necessity of planning wisely and within our means, to the end that an unpredictable business recession will not leave the State of Texas in a perilous financial condition.

In other words—we must reach out as far as we can into new and expanded areas of public service—but we must not over-reach ourselves.

This, then, is the mighty task before us. It is a challenging prospect. The job will not be easy—but the reward for its accomplishment will be well worth the effort.

Grateful for our endowment and proud in the achievement we have known, we go forward in the anticipation of our destiny, in determination that we will be equal to the task at hand and that we shall build here a government, and a society, commensurate with our resource, as strong as our need, and as sure as our faith.

To that end, I pledge, with you, "the full measure of our devotion."

At the conclusion of the Governor's address, Mr. Johnson offered the following resolution:

House Concurrent Resolution 4

Whereas, On this, the twelfth day of January, 1949, the Honorable Beauford Jester is celebrating his birthday; and

Whereas, It is the privilege of the House of Representatives to have Governor Jester as our guest today; now therefore, be it

Resolved, By the Members of the House of Representatives, the Senate concurring, That we extend to Gov-

ernor Jester our sincere felicitations on this occasion and wish him many happy birthdays to come.

The resolution was read and was adopted.

The President then laid the resolution before the Senate for its consideration.

The resolution was adopted.

The President announced the purpose of the Joint Session concluded, and requested the Senate to retire to its Chamber.

In the Senate

The President called the Senate to order at 11:50 o'clock a. m.

House Concurrent Resolution 3

The President laid before the Senate for consideration at this time:

H. C. R. No. 3, Granting each House permission to adjourn from Wednesday, January 12, 1949, until Monday, January 17, 1949.

The resolution was read and was adopted.

House Concurrent Resolution 2

The President laid before the Senate for consideration at this time:

H. C. R. No. 2, Fixing the per diem of members of the Fifty-first Legislature.

The resolution was read and was adopted.

Senate Resolution 3

The President laid S. R. No. 3 before the Senate as postponed business for this hour.

The resolution having been read on yesterday and at that time postponed until today, immediately following the morning call.

Question—Shall the resolution be adopted?

Pending consideration of the resolution, Senator Aikin occupied the Chair temporarily.

(President in the Chair.)

Question first recurring on Section No. 1 of the resolution, it was adopted by the following vote:

Yeas—17

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bullock	Proffer
Carney	Strauss
Colson	Taylor
Corbin	Tynan
Harris	Vick
Jones	

Nays—9

Bracewell	McDonald
Cousins	Morris
Kelley of Hidalgo	Phillips
Kelly of Tarrant	Shofner
Lane	

Absent

Hazlewood	Hudson
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Absent—Excused

Hardeman	Weinert
Moore	

Question next recurring on Section No. 2 of the resolution, it was adopted.

Senator Vick offered the following amendment to Sec. No. 3 of the resolution:

Amend the resolution by changing the word "one" where it appears in the last line of Sec. 3 to the word "future".

The amendment was adopted.

Question then recurring on Section No. 3, as amended, it was lost by the following vote:

Yeas—9

Aikin	Lock
Bell	Strauss
Bullock	Taylor
Colson	Vick
Harris	

Nays—17

Ashley	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Morris
Cousins	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Tynan
Lane	

Absent

Hazlewood	Hudson
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Absent—Excused

Hardeman	Weinert
Moore	

On motion of Senator Harris, Section No. 4 was withdrawn.

Question next recurring on Section No. 5 of the resolution, it was adopted.

The resolution as amended was then adopted by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Hazlewood	Hudson
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Absent—Excused

Hardeman	Weinert
Moore	

House Concurrent Resolution 1

The President laid before the Senate for consideration at this time:

H. C. R. No. 1, Relating to the Joint Rules of the House and Senate.

The resolution was read and was adopted.

Bill and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars (\$350,000), or so much thereof as may be necessary, out of the funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Fifty-first Legislature, and to pay any unpaid accounts or expenses of the Fiftieth Legislature; and declaring an emergency."

S. C. R. No. 2, Providing for a joint session of the Senate and House of

Representatives at 11:00 o'clock a.m., Wednesday, Jan. 12, 1949, to hear the message of the Governor.

Adjournment

On motion of Senator Morris, the Senate at 1:15 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, January 17, 1949.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

THIRD DAY

(Monday, January 17, 1949)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	

Absent—Excused

Kelley of Hidalgo	Moore
Lock	Weinert

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

Leaves of Absence Granted

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Phillips.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Strauss.